

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alberth, Jr. et al. )  
)  
For: Method and Apparatus for Storing )  
a Message for Playback during a )  
User-Initiated Emergency )  
Telephone Call from a Wireless )  
Device )  
)  
Serial No.: 09/610,768 )  
)  
Filed: July 6, 2000 )  
)  
Examiner: Tran, T. )  
)  
Art Unit: 2618 )

**Pre-Appeal Brief Request for Review**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request review of the final rejection in the above-identified application. No amendments are being filed with this request. To the extent that an after final response had been previously filed on August 21, 2007, the response is believed to have been entered, as it would have put the application into condition for allowance and/or would have minimally reduced the number of issues on appeal, as the amendment was limited to canceling the only rejected claim. The present request is being filed in conjunction with a notice of appeal. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

The Examiner rejected claim 11. All other claims had been allowed. The applicants filed a response canceling claim 11. The Examiner informed applicants' representative during a very recent telephone conversation that he issued an Advisory Action (alleged because as of yet applicants have not seen the Advisory Action). As the only claim that had been rejected as part of the Examiner's final rejection, has now been canceled, the application should now be in a

condition for allowance. To the extent that any new objections/rejections have been contemplated by the Examiner, they have not been made part of a proper rejection.

In view of the above remarks, the applicants would respectfully request that the Examiner's continued final rejection of the claims be withdrawn, as being moot in view of applicants' previously filed and presumably entered amendment which canceled all rejected claims.

Respectfully submitted,

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